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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,345	07/07/2003	Jack I. J'maev	JJ-036-US	8700
54556 7590 08/07/2008 INTELLECTUAL PROPERTY DEVELOPMENT JACK IVAN J'MAEV 14175 TELEPHONE AVE. SUITE L CHINO, CA 91710				
EXAMINER				
FISHER, MICHAEL J				
ART UNIT		PAPER NUMBER		
3689				
MAIL DATE		DELIVERY MODE		
08/07/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/615,345

**Applicant(s)**

J'MAEV, JACK I.

**Examiner**

MICHAEL J. FISHER

**Art Unit**

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 53-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 53-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 53-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 6,611,201 to Bishop in view of US PAT 6,611,755 to Coffee et al. (Coffee).

As to claim 53,65, Bishop discloses sending recall notice signals to multiple groups of targets comprising storing a product identifier in each of the receivers (col 16, lines 16-19), transmitting a recall notice to multiple groups of products (model, col 16, line 15-20), sensing the recall notice (col 16, lines 16-19), selectively responding to the recall notice only if the notice includes a product identifier (model or VIN, as discussed). There would be a "group" of receivers in the "group" of vehicles as Bishop does not teach only one vehicle but a plurality.

Bishop does not, however, teach sending and receiving signals only during time slots or teach the target products as being non-power-operated.

The powered status is considered to be a matter of obvious engineering design and therefore, it would have been obvious to one of ordinary skill in the art to use non-powered products as these are subject to recalls.

Coffee teaches a system for fleet management (title) in which signals are transmitted to vehicles via a wireless network (fig 1) during a series of time slots

(abstract, lines 17-22). The receivers would inherently not respond if the signal is not in the time slot.

It would have been obvious to one of ordinary skill in the art to modify the system as taught by Bishop with the time-slot transmission as taught by Coffee as Coffee teaches this as a good way to send information.

As to claim 57, the time slots are chosen.

As to claims 54,55,56,58, Bishop teaches storing in memory that a recall signal notice has been received (col 16, lines 42-45).

As to claim 59, it would be obvious to select multiple time slots as information is sent more than once.

As to claims 60,61,62,63, be obvious to only respond to messages sent during the specified time slot as this is when the message is supposed to be sent.

As to claim 64, Bishop discloses sending recall notice signals to multiple groups of targets comprising storing a product identifier in each of the receivers (col 16, lines 16-19), transmitting a recall notice to multiple groups of products (model, col 16, line 15-20), sensing the recall notice (col 16, lines 16-19), selectively responding to the recall notice only if the notice includes a product identifier (model or VIN, as discussed). There would be a "group" of receivers in the "group" of vehicles as Bishop does not teach only one vehicle but a plurality.

Bishop does not, however, teach the target products as being non-power-operated.

The powered status is considered to be a matter of obvious engineering design and therefore, it would have been obvious to one of ordinary skill in the art to use non-powered products as these are subject to recalls.

### ***Response to Arguments***

Applicant's arguments filed 4/28/08 have been fully considered but they are not persuasive. As to arguments in relation to "battery-life", such limitations are still not included in the claims, and further, claim 60 appears to teach away from such an intended use as it contains the limitation, "...selectively responding... only if the sensed recall notice.... and only if the recall notice signal occurs during the one or more time slots assigned...", which suggests that it receives signals during other times, which suggests that the device is on at these times and therefore, is not 'shut down to conserve energy' at such times. Further, as previously discussed, time slots are old and well known. As to arguments in relation to 'non-power-operated-products', merely changing products would not render the instant invention patentably distinct as this is a matter of obvious, engineering, design choice.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. FISHER whose telephone number is (571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3689

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MF  
8/3/08

/Janice A. Mooneyham/  
Supervisory Patent Examiner, Art Unit 3689